

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMMETT J. HARRIS, IV,)	No. C 11-5306 LHK (PR)
)	
Plaintiff,)	ORDER GRANTING
)	PLAINTIFF'S MOTION TO
v.)	RESCHEDULE DEPOSITION;
)	GRANTING DEFENDANTS'
JUAN SIMENTAL, et al.,)	MOTION TO CHANGE TIME
)	TO FILE A DISPOSITIVE
Defendants.)	MOTION
)	(Doc. No. 15.)

Plaintiff filed the instant *pro se* prisoner complaint under 42 U.S.C. § 1983. The Court ordered service upon named Defendants. (Doc. No. 5.) On September 4, 2012, counsel for Defendants filed a letter requesting further time to discover whether a motion for summary judgment would be appropriate. (Doc. No. 13.) The Court construed the letter as a motion for an extension of time to file a motion for summary judgment and granted the motion. (Doc. No. 14.) Counsel for Defendants have filed another letter in which counsel informs the Court that the parties have agreed to reschedule Plaintiff's deposition as requested by Plaintiff.¹ (Doc. Nos. 15, 16.) Counsel also requests that the Court reset the deadline for filing of Defendants' dispositive motion to account for the later deposition date.

The Court construes counsel's letter as a motion for an extension of time to file a motion

¹Plaintiff's motion to reschedule his deposition is GRANTED. The parties shall conduct Plaintiff's deposition at a date and time convenient to both parties.

1 for summary judgment. So construed, the motion is granted. Defendants shall file either a
2 motion for summary judgment or further notice that no motion for summary judgment is
3 warranted **no later than January 31, 2013**. Plaintiff shall file his opposition **twenty-eight (28)**
4 **days** after the filing of the motion. Defendants shall file their reply within **fourteen (14) days**
5 thereafter.

6 This order terminates docket number 15.

7 IT IS SO ORDERED.

8 DATED: 10/29/12


LUCY H. KOH
United States District Judge